

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN PIEPER,

Plaintiff,

vs.

THE ROMAN CATHOLIC CHURCH,
THE VATICAN POPE (FRANCIS), and
AN OFFICIAL CARDINAL, app. by the
Vatican in Nebraska;

Defendants.

4:20CV3085

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Motion for Extension of Time and Legal Mail. (Filing 12.)

First, Plaintiff requests an additional 60 days in which to pay his initial partial filing fee. The court will grant Plaintiff's request and give him until October 27, 2020 to pay his initial partial filing fee of \$22.98.

Second, Plaintiff asks the court to issue an order to the Lincoln Correctional Center ("LCC") to treat the addresses of the Vatican and the Archdiocese of Omaha as "legal mail." Plaintiff represents that the LCC refuses to send his mail marked "legal mail" to either address even though the documents Plaintiff seeks to mail relate to this case.

Upon careful consideration, the court denies Plaintiff's motion for an order. It is clear from Plaintiff's motion and the attachments that the LCC is refusing to send Plaintiff's mail to those addresses only because they are marked "legal mail." There is no indication that the LCC would refuse to send Plaintiff's mail to those addresses if not marked "legal mail." Moreover, this matter has not yet proceeded

to service of process against the Defendants in this action, to whom Plaintiff is trying to send this “legal mail.” This matter will not proceed to service of process until Plaintiff pays his initial partial filing fee. Once payment is made, the court is required to review Plaintiff’s Complaint to determine whether summary dismissal is appropriate. *See* 28 U.S.C. § 1915(e)(2). The court must dismiss a complaint or any portion thereof that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); *see also* 28 U.S.C. § 1915A. Only if the court determines that this matter may proceed to service of process after completing its initial review will Defendants be served with summons and required to answer Plaintiff’s claims. Accordingly, the court will deny Plaintiff’s motion at this time.

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Motion for Extension of Time (filing 12) is granted. Plaintiff shall have until **October 27, 2020** to pay his initial partial filing fee of \$22.98.
2. Plaintiff’s Motion for Legal Mail (filing 12) is denied.
3. The clerk’s office is directed to set the following pro se case management deadline: **October 27, 2020**: initial partial filing fee payment due.

Dated this 2nd day of September, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge